GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4686
ANSWERED ON:23.08.2001
DELAY IN JUSTICE
PRABHUNATH SINGH

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether attention of the Government has been drawn to the news item captioned, `Justice delayed is justice denied` appearing in the Times of India dated August 6, 2001;

(b) if so, the reaction of the Government thereon;

(c) the findings of the Chief Justice of India and Law Minister who visited Tihar Jail, Delhi recently and had issued any directions to the Government/Courts/jail Administration in this regard;

(d) the action taken by the Government/Courts/Jail administration on these directions;

(e) whether an apex court has directed to release on bail all undertrials involved in the petty offences or whose trials have been pending for one year or more; and

(f) if so, the action taken in this regard?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a): Yes, Sir.

(c)&(d): The information is being collected and will be laid on the Table of the House.

(b),(e)&(f): The Supreme Court in Writ Petition(Civil) No. 559/94-R.D.UpadhyayVs. State of Andhra Pradesh and Ors.- vide Orders dated 10th December, 1998 and 13th October, 1999 voiced its concern over the criminal cases pending trial for more than five years and the undertrial prisoners languishing in jail for petty offences and directed all State Governments and UnionTerritories Administrations to take effective steps for filing challans/reports particularly i n cases which involve petty offences. The Central Government has also written to all the state Governments and UT Administrations to take urgent necessary steps for expeditious disposal of cases of undertrials who are languishing in various jails in the country.

Supreme Court in its judgement dated 1.5.1996 in Writ Petition(Civil) No. 1128 of 1986, Common Cause Vs Unionof India and others, has given several directions to expedite long pending trials & the release of undertrials who have been in jails for a long time. These directions include closing of criminal cases pending for one year or more if the offence is punishable with fine only & is not of a recurring nature, & if the trial has still not commenced.